

EXHIBIT 2

From: Kenneth D. Watnick <kdw@amclaw.com>
Sent: Monday, December 14, 2015 3:23 PM
To: Ray, Bert; Cooney, Sean
Cc: pjd@leesmart.com; Gary Valeriano
Subject: RE: Aqua Star v. Travelers - Meet and Confer re Confidential Designations

Bert: Thanks for your e-mail. Unfortunately, today and tomorrow do not work as I am trying to complete preparation for a trial scheduled for Monday. Let me get back to you later in the week with some alternative times.

From: Ray, Bert [mailto:Bert.Ray@kyl.com]
Sent: Monday, December 14, 2015 2:10 PM
To: Kenneth D. Watnick; Cooney, Sean
Cc: pjd@leesmart.com; Gary Valeriano
Subject: RE: Aqua Star v. Travelers - Meet and Confer re Confidential Designations

Dear Ken

Thanks for your email below, and your letter of October 28th, asserting objections to Aqua Star's second set of requests for production of documents.

We would like to meet and confer regarding the objections to Aqua Star's second set of discovery, and the confidentiality designations raised by Sean Cooney. Please let me know if you are available tomorrow or Wednesday to discuss these issues.

I have attached additional metadata from the Skype messages between Brendan Curran and Lucia Liu. Please let me know if you have any further questions about the Skype metadata.

Thanks and regards

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From: Kenneth D. Watnick [mailto:kdw@amclaw.com]
Sent: Monday, November 09, 2015 4:42 PM
To: Cooney, Sean
Cc: pjd@leesmart.com; Gary Valeriano; Ray, Bert
Subject: RE: Aqua Star v. Travelers - Meet and Confer re Confidential Designations

Sean: Thank you for your e-mail. I have been out of the office and only now have an opportunity to respond.

Travelers will not agree to remove the confidential designation of the documents attached to your e-mail. Your colleague, Mr. Ray, confirmed, by letter dated February 9, 2015, that Travelers "may mark the materials produced as

confidential and subject to the Protective Order which should address any concerns regarding confidentiality that Travelers may have.” Aqua Star secured production of these other files based on its representations to the Court that it would respect the confidentiality of information relating to unrelated insureds.

Moreover, it is clear that the documents are confidential on their face. For example, Travelers produced an internal report discussing the settlement of the Owens Schine action. It included an e-mail relating to Mr. Balmer’s work on a new policy form and e-mails discussing other claims. These documents reflect Travelers’ internal discussions and should be treated as confidential.

Also, other than to burden and harass, it is unclear as to the reasons that you seek to publicly disclose this information. In order to fully understand your position, we would invite you to explain. To the extent that you wish to provide an explanation by telephone, I am available for the remainder of the week.

Finally, we have not received any response to our letter dated October 28, 2015. Please advise. Thank you.

From: Cooney, Sean [<mailto:sean.cooney@kyl.com>]

Sent: Monday, November 02, 2015 5:02 PM

To: Kenneth D. Watnick

Cc: pjd@leesmart.com; Gary Valeriano; Ray, Bert

Subject: Aqua Star v. Travelers - Meet and Confer re Confidential Designations

Dear Ken,

Thank you for your letter dated October 28, 2015. We are reviewing your letter and will provide a response shortly.

We write with regard to the documents produced on October 12, 2015. We understand these documents are being produced in response to the June 2, 2015 order requiring the production of email correspondence relating to the *Owens Schine* litigation.

As an initial matter, it appears that over 20,000 pages have been produced, the overwhelming majority of which are redacted in their entirety. In your October 28th letter, you state that Travelers has produced over 30,000 pages of documents in this litigation.

With the exception of Travelers’ first production on December 22, 2014, every document Travelers has produced to date has been marked “Confidential – Subject to Protective Order.” As you know, Section 5.1 of the Stipulated Protective Order requires as follows:

Exercise of Restraint and Care in Designating Material for Protection. Each party or non-party that designates information or items for protection under this agreement must take care to limit any such designation to specific material that qualifies under the appropriate standards.

...

Mass, indiscriminate, or routinized designations are prohibited. Designations that are shown to be clearly unjustified or that have been made for an improper purpose (e.g., to unnecessarily encumber or delay the case development process or to impose unnecessary expenses and burdens on other parties) expose the designating party to sanctions.

As evidenced by the productions on August 4, August 21, October 5, and October 12, 2015, Travelers has made a practice of routinely and indiscriminately marking all documents produced in response to discovery as “confidential.” Travelers’ mass designation is contrary to the parties’ agreement in the Stipulated Protective Order.

The following documents fail to contain any material that is confidential or proprietary in nature:

- T 003865 – email dated 2014.05.22, in which a claim counsel seeks additional information regarding the *Owens Schine* litigation.
- T 004048 - email dated 2014.04.07, in which Travelers acknowledges that it has received “pushbacks” from insureds.
- T 006111 - email dated 2013.02.21, in which a claims counsel acknowledges that the *Owens Schine* decision “remains good law.”
- T 010212 - email dated 2010.09.29, in which an associate claims counsel notes that “We used to have an exclusion in our form 6511 Rev. 6-2001 excluding exactly these types of situations.”
- T 010259 - email dated 2011.05.22, in which Mr. Mund acknowledges that “yet another insured” has raised the argument that an exchange of emails constitutes computer fraud.
- T 023588 - email dated 2013.03.26, in which Tracey Santor acknowledges that Mr. Balmer is “working on changing the entire computer fraud portion of the policy.”
- T 019504 – email dated 2011.12.16, in which Tracey Santor and Jay Karp discuss the *Owens Schine* litigation.
- T 005549 – email dated 2012.04.19, in which Bryan Short and Tracey Santor and Jay Karp discuss the settlement of the *Owens Schine* Litigation.
- T 019826 – email dated 2012.10.24, in which Stephen Kranz states that the *Owens Schine* case has been vacated and is of no precedential value.

We request that Travelers withdraw the confidential designations of these documents. Should you have any questions, we are amenable to a telephone meet and confer conference pursuant to paragraph 6.2 of the protective order.

We will presume Travelers has withdrawn the confidential designation if we do not receive a response by November 9, 2015.

Thank you,

Sean

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